

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WILLIAM L. GREEN,

Plaintiff,

V.

DEPARTMENT OF VETERANS
AFFAIRS, et al.,

Defendants.

CASE NO. 3:20-cv-05249-BHS

ORDER ON REVIEW OF MOTION FOR RECUSAL

On January 13, 2022, Plaintiff William Green filed a Motion seeking to disqualify the Honorable Benjamin H. Settle in this matter. Dkt. #91. On January 18, Judge Settle issued an Order declining to recuse himself and, in accordance with this Court's Local Rules, referring that decision to the Chief Judge for review. Dkt. #92; LCR 3(f).

A judge of the United States shall disqualify himself in any proceeding in which his impartiality “might reasonably be questioned.” 28 U.S.C. § 455(a). Federal judges also shall disqualify themselves in circumstances where they have a personal bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceeding. 28 U.S.C. § 455(b)(1). Pursuant to 28 U.S.C. § 144, “whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse

1 party, such judge shall proceed no further therein, but another judge shall be assigned to hear
2 such proceeding.” “[A] judge’s prior adverse ruling is not sufficient cause for recusal.” *United*
3 *States v. Studley*, 783 F.2d 934, 939 (9th Cir. 1986); *see also Taylor v. Regents of Univ. of Cal.*,
4 993 F.2d 710, 712 (9th Cir. 1993) (“To warrant recusal, judicial bias must stem from an
5 extrajudicial source.”).

6 The Court has reviewed the above Motion and finds that Plaintiff’s arguments for recusal
7 rely solely on adverse rulings from Judge Settle, which cannot serve as a basis for recusal. *See*
8 *Studley*, *supra*. Plaintiff presents no evidence of bias from an extrajudicial source.

9 Plaintiff has failed to present a reasonable basis to question Judge Settle’s impartiality.
10 Accordingly, the Court hereby finds and ORDERS that Judge Settle’s refusal to recuse himself
11 from this matter, Dkt. #92, is AFFIRMED.

12 DATED this 25th day of January, 2022.

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15 RICARDO S. MARTINEZ
16 CHIEF UNITED STATES DISTRICT JUDGE
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